

Executive Summary – Enforcement Matter – Case No. 51403
LAKESHORE UTILITY COMPANY
RN102676970
Docket No. 2015-1552-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Dixie Isle Water System, located off Farm-to-Market Road 2329, 3.5 miles south of Eastace, Henderson County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 22, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$1,168

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,168

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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Docket No. 2015-1552-PWS-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 14, 2015 through October 2, 2015

Date(s) of NOE(s): October 2, 2015

Violation Information

1. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director ("ED") each quarter by the tenth day of the month following the end of the quarter and failed to provide public notification and submit a copy of the public notification to the ED regarding the failure to submit a DLQOR [30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and (f)(3), and 290.122(c)(2)(A) and (f)].
2. Failed to mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to persons served at the locations that were sampled in a manner consistent with TCEQ requirements [30 TEX. ADMIN. CODE § 290.117(i)(6) and (j)].
3. Failed to provide public notification and submit a copy of the public notification to the ED regarding the failure to submit a DLQOR, the failure to collect an annual nitrate sample, and the failure to collect triennial radionuclide, metal, and mineral samples [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs;
 - ii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the ED;

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iii. Provide public notification regarding the failure to submit DLQORs for the first quarter of 2013 and for the third quarter of 2013 through the fourth quarter of 2014, the failure to collect an annual nitrate sample in 2012, and the failure to collect triennial radionuclide, metal, and mineral samples for the January 1, 2010 through the December 31, 2012 monitoring period; and

iv. Mail one copy of the consumer notification of lead tap water monitoring results to persons served at the locations that were sampled for the most recent monitoring period in which lead samples were collected.

b. Within 45 days:

i. Submit written certification to demonstrate compliance with a.; and

ii. Submit to the Commission a copy of the consumer notification provided to the persons served at the locations that were sampled for lead and the certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements.

c. Within 60 days, submit written certification to demonstrate compliance with b.ii.

d. Within 90 days, begin submitting DLQORs to the ED each quarter by the tenth day of the month following the end of the quarter. This provision will be satisfied upon two consecutive quarters of compliant reporting.

e. Within 285 days, submit written certification to demonstrate compliance with d.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Michaelle Garza, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4076; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: N/A

Respondent: Tim Whatley, President, LAKESHORE UTILITY COMPANY, 106 East Corsicana Street, Athens, Texas 75751

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	5-Oct-2015	Screening	13-Oct-2015	EPA Due	31-Dec-2014
	PCW	13-Oct-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	LAKESHORE UTILITY COMPANY		
Reg. Ent. Ref. No.	RN102676970		
Facility/Site Region	5-Tyler	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	51403	No. of Violations	3
Docket No.	2015-1552-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Michaelle Garza
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$550**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **70.0%** **Adjustment** **Subtotals 2, 3, & 7** **\$385**

Notes Enhancement for ten NOV's with the same/similar violations and one agreed order containing a denial of liability.

Culpability **No** **0.0%** **Enhancement** **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

Economic Benefit **0.0%** **Enhancement*** **Subtotal 6** **\$0**

Total EB Amounts **\$271**
Estimated Cost of Compliance **\$679**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$935**

OTHER FACTORS AS JUSTICE MAY REQUIRE **24.9%** **Adjustment** **\$233**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Enhancement for the avoided costs of compliance associated with violation nos. 1 and 2.

Final Penalty Amount **\$1,168**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$1,168**

DEFERRAL **0.0%** **Reduction** **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$1,168**

Screening Date 13-Oct-2015

Docket No. 2015-1552-PWS-E

PCW

Respondent LAKESHORE UTILITY COMPANY

Policy Revision 4 (April 2014)

Case ID No. 51403

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102676970

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Garza

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	10	50%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 70%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for ten NOVs with the same/similar violations and one agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 70%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 70%

Screening Date 13-Oct-2015

Docket No. 2015-1552-PWS-E

PCW

Respondent LAKESHORE UTILITY COMPANY

Policy Revision 4 (April 2014)

Case ID No. 51403

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102676970

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Garza

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 290.110(e)(4)(A) and (f)(3), and 290.122(c)(2)(A) and (f)

Violation Description

Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter for the third quarter of 2013 through the first quarter of 2015 and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR for the third quarter of 2013 through the fourth quarter of 2014.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 7

638 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$350

Seven single events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$350

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$199

Violation Final Penalty Total \$743

This violation Final Assessed Penalty (adjusted for limits) \$743

Economic Benefit Worksheet

Respondent LAKESHORE UTILITY COMPANY
Case ID No. 51403
Reg. Ent. Reference No. RN102676970
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	14-Sep-2015	1-Jun-2016	0.72	\$2	n/a	\$2
Training/Sampling	\$100	14-Sep-2015	1-Jun-2016	0.72	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Other Costs	\$100	14-Sep-2015	1-Jun-2016	0.72	\$4	n/a	\$4
Other (as needed)	\$150	10-Jan-2014	1-Jun-2016	2.39	\$18	n/a	\$18

Notes for DELAYED costs

The record keeping system and training/sampling delayed costs include the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that the self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs, calculated from the date of the record review to the estimated date of compliance.

The other delayed costs include the estimated amount to implement procedures to ensure that all necessary public notifications are provided, calculated from the date of the record review to the estimated date of compliance and the estimated amount to ensure that all delinquent public notifications (\$25 per notification x six missed notifications) are provided to persons served by the Facility and a copy of the public notification is provided to the Executive Director, calculated from the due date of the earliest public notification to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$154	10-Oct-2013	10-Apr-2015	2.42	\$19	\$154	\$173
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and submit DLQORs (\$22 per report x seven missed reports), calculated from the date the report was due for the third quarter of 2013 to the date the report was due for the first quarter of 2015.

Approx. Cost of Compliance	\$549	TOTAL	\$199
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Screening Date 13-Oct-2015

Docket No. 2015-1552-PWS-E

PCW

Respondent LAKESHORE UTILITY COMPANY

Policy Revision 4 (April 2014)

Case ID No. 51403

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102676970

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Garza

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.117(i)(6) and (j)

Violation Description

Failed to mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to persons served at the locations that were sampled in a manner consistent with TCEQ requirements for the 2014 monitoring period.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

286 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$60

Violation Final Penalty Total \$106

This violation Final Assessed Penalty (adjusted for limits) \$106

Economic Benefit Worksheet

Respondent LAKESHORE UTILITY COMPANY
Case ID No. 51403
Reg. Ent. Reference No. RN102676970
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$55	31-Dec-2014	13-Oct-2015	1.70	\$5	\$55	\$60
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and mail the consumer notification for the 2014 monitoring period to persons served at the locations that were sampled and to the TCEQ [(((\$0.50 x ten sampled locations) + \$50) x one monitoring period], calculated from the date the consumer notification was due to the screening date.

Approx. Cost of Compliance	\$55	TOTAL	\$60
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Screening Date 13-Oct-2015

Docket No. 2015-1552-PWS-E

PCW

Respondent LAKESHORE UTILITY COMPANY

Policy Revision 4 (April 2014)

Case ID No. 51403

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102676970

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Garza

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)

Violation Description

Failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR for the first quarter of 2013, the failure to collect an annual nitrate sample in 2012, and the failure to collect triennial radionuclide, metal, and mineral samples for the January 1, 2010 through the December 31, 2012 monitoring period.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 3

90 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

Three single events are recommended (one for each notification).

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$319

This violation Final Assessed Penalty (adjusted for limits) \$319

Economic Benefit Worksheet

Respondent LAKESHORE UTILITY COMPANY
Case ID No. 51403
Reg. Ent. Reference No. RN102676970
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$75	1-Apr-2013	1-Jun-2016	3.17	\$12	n/a	\$12

Notes for DELAYED costs

The delayed cost related to public notification procedures is included in the economic benefit associated with violation no. 1.

The other delayed cost includes the estimated amount to ensure that all delinquent public notifications (\$25 per notification x three missed notifications) are provided to persons served by the Facility and a copy of the public notification is provided to the Executive Director, calculated from the due date of the earliest public notification to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$75

TOTAL

\$12



Compliance History Report

PENDING Compliance History Report for CN601356306, RN102676970, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN601356306, LAKESHORE UTILITY COMPANY

Classification: UNCLASSIFIED

Rating: -----

Regulated Entity: RN102676970, DIXIE ISLE WATER SYSTEM

Classification: NOT APPLICABLE

Rating: N/A

Complexity Points: N/A

Repeat Violator: N/A

CH Group: 14 - Other

Location: LOCATED OFF OF FARM-TO-MARKET ROAD 2329 3.5 MILES SOUTH OF EUSTACE IN HENDERSON COUNTY, TEXAS

TCEQ Region: REGION 05 - TYLER

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1070041

Compliance History Period: September 01, 2010 to August 31, 2015

Rating Year: 2015

Rating Date: 09/01/2015

Date Compliance History Report Prepared: October 13, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 13, 2010 to October 13, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Michaelle Garza

Phone: (210) 403-4076

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 09/22/2014 ADMINORDER 2014-0187-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)

30 TAC Chapter 290, SubChapter F 290.106(e)

30 TAC Chapter 290, SubChapter F 290.107(c)

30 TAC Chapter 290, SubChapter F 290.107(e)

30 TAC Chapter 290, SubChapter F 290.108(c)

30 TAC Chapter 290, SubChapter F 290.108(e)

Description: to collect the triennial mineral, metal and radionuclide sampling and provide the results to the Executive Director. Specifically, the Respondent failed to collect mineral, metal and radionuclide monitoring results for Entry Point ("EP") 6 for the January 1, 2010 through December 31, 2012 monitoring period

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)

30 TAC Chapter 290, SubChapter F 290.106(e)

30 TAC Chapter 290, SubChapter F 290.107(c)

30 TAC Chapter 290, SubChapter F 290.107(e)

30 TAC Chapter 290, SubChapter F 290.108(c)

30 TAC Chapter 290, SubChapter F 290.108(e)

Description: to collect the triennial mineral, metal and radionuclide sampling and provide the results to the Executive Director. Specifically, the Respondent failed to collect mineral, metal and radionuclide monitoring results for Entry Point ("EP") 6 for the January 1, 2010 through December 31, 2012 monitoring period

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)
30 TAC Chapter 290, SubChapter F 290.106(e)
30 TAC Chapter 290, SubChapter F 290.107(c)
30 TAC Chapter 290, SubChapter F 290.107(e)
30 TAC Chapter 290, SubChapter F 290.108(c)
30 TAC Chapter 290, SubChapter F 290.108(e)

Description: to collect the triennial mineral, metal and radionuclide sampling and provide the results to the Executive Director. Specifically, the Respondent failed to collect mineral, metal and radionuclide monitoring results for Entry Point ("EP") 6 for the January 1, 2010 through December 31, 2012 monitoring period

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
30 TAC Chapter 290, SubChapter H 290.274(c)

Description: to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data. Specifically, the Respondent did not mail or directly deliver the CCR to the bill paying customers nor did

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)
30 TAC Chapter 290, SubChapter F 290.106(e)
30 TAC Chapter 290, SubChapter F 290.107(c)
30 TAC Chapter 290, SubChapter F 290.107(e)
30 TAC Chapter 290, SubChapter F 290.108(c)
30 TAC Chapter 290, SubChapter F 290.108(e)

Description: to collect the triennial mineral, radionuclide and synthetic organic chemical ("SOC") method 5 contaminant sampling and provide the results to the Executive Director. Specifically, the Respondent failed to collect mineral monitoring results for EP 3 for the January 1, 2007 through December 31, 2009 monitoring period, mineral monitoring results for EP 5 for the January 1, 2008 through December 31, 2010 monitoring period, radionuclide monitoring results for EP 5 for the January 1, 2007 through Dec

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)
30 TAC Chapter 290, SubChapter F 290.106(e)
30 TAC Chapter 290, SubChapter F 290.107(c)
30 TAC Chapter 290, SubChapter F 290.107(e)
30 TAC Chapter 290, SubChapter F 290.108(c)
30 TAC Chapter 290, SubChapter F 290.108(e)

Description: to collect the triennial mineral, radionuclide and synthetic organic chemical ("SOC") method 5 contaminant sampling and provide the results to the Executive Director. Specifically, the Respondent failed to collect mineral monitoring results for EP 3 for the January 1, 2007 through December 31, 2009 monitoring period, mineral monitoring results for EP 5 for the January 1, 2008 through December 31, 2010 monitoring period, radionuclide monitoring results for EP 5 for the January 1, 2007 through Dec

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
30 TAC Chapter 290, SubChapter F 290.106(e)

Description: to collect annual nitrate samples and provide the results to the Executive Director for EP 5 for the 2011 monitoring period

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
30 TAC Chapter 290, SubChapter F 290.106(e)

Description: to collect annual nitrate samples and provide the results to the Executive Director for Entry Point ("EP") 5 for the 2009 and 2010 monitoring periods

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
30 TAC Chapter 290, SubChapter F 290.106(e)

Description: to collect annual nitrate samples and provide the results to the Executive Director for Entry Point ("EP") 5 for the 2009 and 2010 monitoring periods

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)
30 TAC Chapter 290, SubChapter F 290.106(e)

30 TAC Chapter 290, SubChapter F 290.107(c)
30 TAC Chapter 290, SubChapter F 290.107(e)
30 TAC Chapter 290, SubChapter F 290.108(c)

30 TAC Chapter 290, SubChapter F 290.108(e)

Description: to collect the triennial mineral, radionuclide and synthetic organic chemical ("SOC") method 5 contaminant sampling and provide the results to the Executive Director. Specifically, the Respondent failed to collect mineral monitoring results for EP 3 for the January 1, 2007 through December 31, 2009 monitoring period, mineral monitoring results for EP 5 for the January 1, 2008 through December 31, 2010 monitoring period, radionuclide monitoring results for EP 5 for the January 1, 2007 through Dec

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)

30 TAC Chapter 290, SubChapter F 290.106(e)

30 TAC Chapter 290, SubChapter F 290.107(c)

30 TAC Chapter 290, SubChapter F 290.107(e)

30 TAC Chapter 290, SubChapter F 290.108(c)

30 TAC Chapter 290, SubChapter F 290.108(e)

Description: to collect the triennial mineral, radionuclide and synthetic organic chemical ("SOC") method 5 contaminant sampling and provide the results to the Executive Director. Specifically, the Respondent failed to collect mineral monitoring results for EP 3 for the January 1, 2007 through December 31, 2009 monitoring period, mineral monitoring results for EP 5 for the January 1, 2008 through December 31, 2010 monitoring period, radionuclide monitoring results for EP 5 for the January 1, 2007 through Dec

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)

30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director. Specifically, it was documented that the Respondent did not collect the required lead and copper samples for the January 1, 2005 through December 31, 2013 monitoring period

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- | | | |
|---|---|--------------------------|
| 1 | Date: 10/23/2014 (1280723) | CN601356306 |
| | Self Report? NO | Classification: Moderate |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) | |
| | 30 TAC Chapter 290, SubChapter F 290.110(e)(5) | |
| | 30 TAC Chapter 290, SubChapter F 290.110(f)(2) | |
| | 30 TAC Chapter 290, SubChapter F 290.110(f)(3) | |
| | Description: DLQOR MR 2Q2014 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2014 within the required timeline. | |
| | | |
| 2 | Date: 01/14/2015 (1280723) | CN601356306 |
| | Self Report? NO | Classification: Moderate |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) | |
| | 30 TAC Chapter 290, SubChapter F 290.110(e)(5) | |
| | 30 TAC Chapter 290, SubChapter F 290.110(f)(2) | |
| | 30 TAC Chapter 290, SubChapter F 290.110(f)(3) | |
| | Description: DLQOR MR 3Q2014 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2014 within the required timeline. | |
| | | |
| 3 | Date: 02/05/2015 (1280723) | CN601356306 |
| | Self Report? NO | Classification: Moderate |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) | |
| | 30 TAC Chapter 290, SubChapter F 290.122(f) | |
| | Description: DLQOR MR PN 2Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting | |

violation during the second quarter of 2014.

- 4 Date: 02/23/2015 (1280723) CN601356306
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j)
Description: LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during 06/01/2014 to 09/30/2014.
- 5 Date: 03/17/2015 (1280723) CN601356306
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: RAD/MTL/MIN MR PN 3Y2012 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a radionuclide, metals, and minerals monitoring and reporting violation for the triennial monitoring period from 01/01/2010 to 12/31/2012.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: NO3 MR PN YR2012 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a nitrate monitoring and reporting violation for the annual monitoring period from 01/01/2012 to 12/31/2012.
- 6 Date: 04/08/2015 (1280723) CN601356306
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 4Q2014 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2014 within the required timeline.
- 7 Date: 04/30/2015 (1280723) CN601356306
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: DLQOR MR PN 3Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the third quarter of 2014.
- 8 Date: 06/26/2015 (1280723) CN601356306
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the first quarter of 2015 within the required timeline.
- 9 Date: 08/03/2015 (1280723) CN601356306
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: DLQOR MR PN 4Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the fourth quarter of 2014.
- 10 Date: 09/21/2015 (1280723) CN601356306

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 1Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the first quarter of 2014.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

January 1, 2010 through December 31, 2012 monitoring period

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)
30 TAC Chapter 290, SubChapter F 290.106(e)
30 TAC Chapter 290, SubChapter F 290.107(c)
30 TAC Chapter 290, SubChapter F 290.107(e)
30 TAC Chapter 290, SubChapter F 290.108(c)
30 TAC Chapter 290, SubChapter F 290.108(e)

Description: to collect the triennial mineral, metal and radionuclide sampling and provide the results to the Executive Director. Specifically, the Respondent failed to collect mineral, metal and radionuclide monitoring results for Entry Point ("EP") 6 for the January 1, 2010 through December 31, 2012 monitoring period

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)
30 TAC Chapter 290, SubChapter F 290.106(e)

30 TAC Chapter 290, SubChapter F 290.107(c)
30 TAC Chapter 290, SubChapter F 290.107(e)
30 TAC Chapter 290, SubChapter F 290.108(c)
30 TAC Chapter 290, SubChapter F 290.108(e)

Description: to collect the triennial mineral, metal and radionuclide sampling and provide the results to the Executive Director. Specifically, the Respondent failed to collect mineral, metal and radionuclide monitoring results for Entry Point ("EP") 6 for the January 1, 2010 through December 31, 2012 monitoring period

5 Date: 02/26/2014 (1280723) CN601356306

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 1Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the first quarter of 2013.

6 Date: 05/20/2014 (1280723) CN601356306

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 3Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2013 within the required timeline.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 4Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2013 within the required timeline.

7 Date: 07/02/2014 (1280723) CN601356306

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 1Q2014 - The system failed to monitor and/or report distribution

disinfectant residuals to the TCEQ for the first quarter of 2014 within the required timeline.

- 8* Date: 09/12/2014 (1280723) CN601356306
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: DLQOR MR PN 3Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the third quarter of 2013.
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: DLQOR MR PN 4Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the fourth quarter of 2013.
- 9* Date: 10/23/2014 (1280723) CN601356306
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 2Q2014 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2014 within the required timeline.
- 10* Date: 01/14/2015 (1280723) CN601356306
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 3Q2014 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2014 within the required timeline.
- 11* Date: 02/05/2015 (1280723) CN601356306
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: DLQOR MR PN 2Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the second quarter of 2014.
- 12* Date: 02/23/2015 (1280723) CN601356306
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j)
Description: LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during 06/01/2014 to 09/30/2014.

13*	Date:	03/17/2015	(1280723)	CN601356306	Classification:	Moderate						
	Self Report?	NO	For Informational Purposes Only									
	Citation:	30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)										
	Description:	RAD/MTL/MIN MR PN 3Y2012 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a radionuclide, metals, and minerals monitoring and reporting violation for the triennial monitoring period from 01/01/2010 to 12/31/2012.										
				Classification:	Moderate							
	Self Report?	NO	For Informational Purposes Only									
	Citation:	30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)										
	Description:	NO3 MR PN YR2012 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a nitrate monitoring and reporting violation for the annual monitoring period from 01/01/2012 to 12/31/2012.										
14*	Date:	04/08/2015	(1280723)	CN601356306	Classification:	Moderate						
	Self Report?	NO	For Informational Purposes Only									
	Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)										
	Description:	DLQOR MR 4Q2014 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2014 within the required timeline.										
15*	Date:	04/30/2015	(1280723)	CN601356306	Classification:	Moderate						
	Self Report?	NO	For Informational Purposes Only									
	Citation:	30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)										
	Description:	DLQOR MR PN 3Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the third quarter of 2014.										
16*	Date:	06/26/2015	(1280723)	CN601356306	Classification:	Moderate						
	Self Report?	NO	For Informational Purposes Only									
	Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)										
	Description:	DLQOR MR 1Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the first quarter of 2015 within the required timeline.										
17*	Date:	08/03/2015	(1280723)	CN601356306	Classification:	Moderate						
	Self Report?	NO	For Informational Purposes Only									
	Citation:	30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)										
	Description:	DLQOR MR PN 4Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the fourth quarter of 2014.										

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 1Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the first quarter of 2014.

* NOVs applicable for the Compliance History rating period 9/1/2010 to 8/31/2015

Appendix B**All Investigations Conducted During Component Period October 13, 2010 and October 13, 2015**

Item 1	October 21, 2011**	(951905) For Informational Purposes Only
Item 2	April 12, 2013**	(1076114) For Informational Purposes Only
Item 3	January 17, 2014**	(1144094) For Informational Purposes Only
Item 4	January 23, 2014**	(1144472) For Informational Purposes Only
Item 5	September 28, 2015	(1280723) For Informational Purposes Only
Item 6	October 02, 2015	(1281831) For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2010 and 08/31/2015.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LAKESHORE UTILITY COMPANY
RN102676970**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2015-1552-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding LAKESHORE UTILITY COMPANY (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located off of Farm-to-Market Road 2329, 3.5 miles south of Eustace, Henderson County, Texas (the "Facility") that has approximately 246 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted from September 14, 2015 through October 2, 2015, TCEQ staff documented that the Respondent did not submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter for the third quarter of 2013 through the first quarter of 2015 and did not provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR for the third quarter of 2013 through the fourth quarter of 2014.
3. During a record review conducted from September 14, 2015 through October 2, 2015, TCEQ staff documented that the Respondent did not mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to persons served at the locations that were sampled in a manner consistent with TCEQ requirements for the 2014 monitoring period.
4. During a record review conducted from September 14, 2015 through October 2, 2015, TCEQ staff documented that the Respondent did not provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR for the first quarter of 2013, the failure to collect an annual nitrate sample in 2012, and the failure to collect triennial radionuclide, metal, and mineral samples for the January 1, 2010 through the December 31, 2012 monitoring period.
5. The Respondent received notice of the violations on October 8, 2015.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR, in violation of 30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and (f)(3), and 290.122(c)(2)(A) and (f).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to persons served at the locations that were sampled in a manner consistent with TCEQ requirements, in violation of 30 TEX. ADMIN. CODE § 290.117(i)(6) and (j).

4. As evidenced by Findings of Fact No. 4, the Respondent failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR, the failure to collect an annual nitrate sample, and the failure to collect triennial radionuclide, metal, and mineral samples, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of One Thousand One Hundred Sixty-Eight Dollars (\$1,168) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the One Thousand One Hundred Sixty-Eight Dollar (\$1,168) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of One Thousand One Hundred Sixty-Eight Dollars (\$1,168) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: LAKESHORE UTILITY COMPANY, Docket No. 2015-1552-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:

- i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110;
 - ii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122;
 - iii. Provide public notification regarding the failure to submit DLQORs for the first quarter of 2013 and for the third quarter of 2013 through the fourth quarter of 2014, the failure to collect an annual nitrate sample in 2012, and the failure to collect triennial radionuclide, metal, and mineral samples for the January 1, 2010 through the December 31, 2012 monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.122; and
 - iv. Mail one copy of the consumer notification of lead tap water monitoring results to persons served at the locations that were sampled for the most recent monitoring period in which lead samples were collected, in accordance with 30 TEX. ADMIN. CODE § 290.117.
- b. Within 45 days after the effective date of this Agreed Order:
- i. Submit written certification as described in Ordering Provision No. 2.e. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.iv.; and
 - ii. Submit to the Commission a copy of the consumer notification provided to the persons served at the locations that were sampled for lead and the certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements, in accordance with 30 TEX. ADMIN. CODE § 290.117. The consumer notification and the certification shall be mailed to:

Public Drinking Water Section
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
- c. Within 60 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.e. below, and include

detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.ii.

- d. Within 90 days after the effective date of this Agreed Order, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon two consecutive quarters of compliant reporting. DLQORs shall be submitted to:

DLQOR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- e. Within 285 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any

other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date


For the Executive Director

9/6/16
Date


I, the undersigned, have read and understand the attached Agreed Order in the matter of LAKESHORE UTILITY COMPANY. I am authorized to agree to the attached Agreed Order on behalf of LAKESHORE UTILITY COMPANY, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, LAKESHORE UTILITY COMPANY waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

12-14-15
Date

Tim Whalley
Name (Printed or typed)
Authorized Representative of
LAKESHORE UTILITY COMPANY

President
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.